

**REMARKS**

Claims 1-47 are original or previously presented, and claims 48-55 are added. Accordingly, claims 1-55 are pending. In view of the above claim amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

## **Rejections Under 35 U.S.C. §103**

Applicants respectfully submit that the outstanding rejections under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness. Further, in accordance with MPEP §2142 (which states in part “[i]f the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness”), Applicants, in good faith and belief that a *prima facie* case of obviousness has not been established in the above of rejections, requests that all outstanding rejections under 35 U.S.C. §103(a) be reconsidered and withdrawn.

As set forth in MPEP §§2142 and 2143, a *prima facie* case of obviousness has three basic requirements. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants respectfully submit that the proposed combinations of references, fail to meet at least the first requirement above (namely, there is no suggestion to combine). Accordingly, no *prima facie* case of obviousness has been established.

1      Rejection of Claim 37

2      Claim 37 stands rejected under 35 U.S.C. §103(a) as being unpatentable  
3      over U.S. Patent No. 6,012,098 (hereinafter Bayeh) in view of “Internet Explorer 5  
4      and XML” (hereinafter Heinemann). Applicants respectfully traverse the  
5      rejection.

6      The Office Action acknowledges that Bayeh does not teach sending XML  
7      but rather HTML because browsers at the time of Bayeh expected to receive data  
8      that had been formatted with HTML. The Office Action then cites Heinemann as  
9      teaching that browsers at the time of the invention expected to receive XML data  
10     and then asserts that it would be obvious “to combine Heinemann with Bayeh and  
11     send the unformatted XML”. Applicants respectfully assert that there is no  
12     suggestion for such a combination because the proposed modification with respect  
13     to Bayeh would:

14     (a) “render the prior art invention being modified unsatisfactory for its  
15     intended purpose” and/or

16     (b) “change the principle of operation of the prior art invention being  
17     modified”.

18     MPEP 2143 prohibits both of these occurrences in establishing a *prima  
facie* case of obviousness.

20     Bayeh discloses (at column 3, lines 31-33) as its first object of the present  
21     invention, “to provide a technique whereby information retrieval logic can be  
22     isolated from information presentation formatting logic” (emphasis added). Bayeh  
23     also discloses (in the abstract) that “[d]ata retrieval logic is isolated to a data  
24     servlet, and presentation formatting is isolated to a rendering servlet.” In Fig. 4 of  
25     Bayeh, a server includes a data servlet 83 that outputs an XML data stream and a

1 rendering servlet 85 that receives the XML data stream and outputs an HTML data  
2 stream. Bayeh's disclosure shows that a purpose of Bayeh is to isolate retrieval  
3 logic from presentation formatting logic within a server, and that a principle of  
4 operation is to use two data streams with different formats for data retrieval and  
5 presentation formatting by a server. Stated another way, a principle of operation  
6 of Bayeh is to use one format for transferring data between servlets and another  
7 format for transferring data from a servlet to a client.

8 It is clear from the above discussion that the modification proposed in the  
9 Office Action serves to eliminate the rendering servlet, whose purpose is to isolate  
10 information presentation formatting logic from information retrieval logic within a  
11 server. This modification would "render the prior art invention being modified  
12 unsatisfactory for its intended purpose". Further, the proposed modification also  
13 changes a principle of operation of Bayeh, which calls for different formats for  
14 data retrieval and presentation formatting (i.e., XML and HTML, respectively) by  
15 a server.

16 Because the proposed modification of Bayeh both renders Bayeh  
17 unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation  
18 logic) and/or changes Bayeh's principle of operation (i.e., different formats for  
19 retrieval and presentation), according to MPEP 2143, there is no suggestion to  
20 combine Bayeh and Heinemann. Accordingly, claim 37 is patentable over the  
21 cited references for at least these reasons.

22 Further, the Office Action asserts in the first sentence on page 2 that Bayeh  
23 teaches that data "is formatted within the same object that gathered the data" and  
24 that it "would have been obvious to ... call another object to format the data..."  
25 Applicants respectfully disagree.

1 As stated above, Bayeh discloses that “[d]ata retrieval logic is isolated to a  
2 data servlet, and presentation formatting is isolated to a rendering servlet.” Fig. 4  
3 of Bayeh discloses that one servlet gathers data and outputs an XML data stream  
4 to another servlet that formats data into an HTML data stream. Applicants  
5 respectfully assert that if, *arguendo*, servlets are objects, then Bayeh already  
6 teaches “... another object to format the data...”, but this other object formats data  
7 received from the XML data stream into an HTML data stream. Thus, there is no  
8 teaching or motivation in the cited references to modify Bayeh to add a second  
9 formatting object as proposed in the Office Action. Further, the Office Action  
10 does not address the format of the data in which this proposed second formatting  
11 object would receive the data from the proposed gathering object. Considering the  
12 disclosure in Bayeh of how servlets communicate with each other, if the format is  
13 not XML or HTML, then this proposed second formatting object serves to add a  
14 third formatting operation that appears to be unnecessary increase processing  
15 burden and complexity. If it is XML or HTML, then it is difficult to understand  
16 the motivation to modify Bayeh to add a duplicate formatting process.  
17 Accordingly, the rejection fails to set forth a *prima facie* case of obviousness.

18

19 Rejections of Claims 1-7, 10-11, 13-14, 16-17, 19, 31-32, 34-35 and 38

20 Claims 1-7, 10-11, 13-14, 16-17, 19, 31-32, 34-35 and 38 stand rejected  
21 under 35 U.S.C. §103(a) as being unpatentable over Bayeh in view of Heinemann  
22 and further in view of “XML Fragment Interchange, W3C Working Draft”  
23 published 3/3/1999 (hereinafter W3C). Applicants respectfully traverse these  
24 rejections.

1       Applicants respectfully submit that these outstanding rejections under  
2 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because  
3 combining the cited references as proposed by the Office Action would (as  
4 described above in the response to the rejection of claim 37) render Bayeh  
5 unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation  
6 logic in a server) an/or changes Bayeh's principle of operation (i.e., different  
7 formats for retrieval and presentation by a server). Accordingly, claims 1-7,  
8 10-11, 13-14, 16-17, 19, 31-32, 34-35 and 38 are patentable over the cited  
9 references.

10

11 Rejections of Claims 8-9, 18 and 33

12       Claims 8-9, 18 and 33 stand rejected under 35 U.S.C. §103(a) as being  
13 unpatentable over Bayeh in view of Heinemann and the W3C reference, and  
14 further in view of "Extensions for Distributed Authoring on the World Wide Web  
15 – WebDAV, Internet Draft" by Goland et al, published 4/7/1998 (hereinafter  
16 Goland). Applicants respectfully traverse these rejections.

17       Applicants respectfully submit that these outstanding rejections under  
18 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because  
19 combining the cited references as proposed by the Office Action would (as  
20 described above in the response to the rejection of claim 37) render Bayeh  
21 unsatisfactory for its intended purpose (i.e., isolation of retrieval and presentation  
22 logic in a server) an/or changes Bayeh's principle of operation (i.e., different  
23 formats for retrieval and presentation by a server). Accordingly, claims 8-9, 18  
24 and 33 are patentable over the cited references.

1      Rejections of Claims 20 and 30

2      Claims 20 and 30 stand rejected under 35 U.S.C. §103(a) as being  
3      unpatentable over Bayeh in view of Goland. Applicants respectfully traverse.

4      Applicants respectfully submit that these outstanding rejections under  
5      35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because  
6      combining the cited references as proposed by the Office Action would render  
7      Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and  
8      presentation logic in a server) an/or changes Bayeh's principle of operation (i.e.,  
9      different formats for retrieval and presentation by a server).

10     For example, the Office Action appears to assert that Bayeh can be  
11    modified so that a server responds to a client's XML request with an XML  
12    response. However, as described previously, Bayeh discloses (see Fig. 4) a server  
13    that includes a data servlet 83 that outputs an XML data stream and a rendering  
14    servlet 85 that receives the XML data stream and outputs an HTML data stream.  
15    Bayeh's disclosure shows that a purpose of Bayeh is to isolate retrieval logic from  
16    presentation formatting logic within a server, and that a principle of operation is to  
17    use two data streams with different formats for data retrieval and presentation  
18    formatting by a server. Stated another way, a principle of operation of Bayeh is to  
19    use one format for transferring data between servlets and another format for  
20    transferring data from a servlet to a client. It is clear that the Office Action's  
21    modification of Bayeh would eliminate rendering servlet 85,

22     Further, the Office Action asserts in the rejection of claim 20 that Bayeh  
23    teaches that data "is gathered and formed by the same data servlet object that  
24    gathered the data (col. 11, ll.1-2)", and that it "would have been obvious ... to call  
25    another object to format the data..."

1           Applicants respectfully disagree. As stated above, Bayeh discloses that  
2 “[d]ata retrieval logic is isolated to a data servlet, and presentation formatting is  
3 isolated to a rendering servlet.” Applicants respectfully assert that if, *arguendo*,  
4 servlets are objects, then Bayeh already teaches “... another object to format the  
5 data...”, but this other object formats data received from the XML data stream into  
6 an HTML data stream. Thus, there is no teaching or motivation in the cited  
7 references to modify Bayeh to add a second formatting object as proposed in the  
8 Office Action.

9           Further, the Office Action does not address the format of the data in which  
10 this proposed second formatting object would receive the data from the proposed  
11 gathering object. Considering the disclosure in Bayeh of how servlets transfer  
12 data, if the format is not XML or HTML, then this proposed second formatting  
13 servlet adds a third formatting operation that appears to unnecessarily increase  
14 processing burden and complexity. If it is XML or HTML, then it is difficult to  
15 understand the motivation to modify Bayeh to add a servlet that receives XML and  
16 then outputs XML to the rendering servlet. Accordingly, the rejection fails to set  
17 forth a *prima facie* case of obviousness for claim 20 and dependent claim 30.

18           In addition, Applicants respectfully submit that these outstanding rejections  
19 under 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness  
20 because combining the cited references as proposed by the Office Action fails to  
21 teach or suggest all the claim limitations.

22           For example, the Office Action asserts, “[t]herefore, upon the  
23 modification... the data servlet object would be correlated to the WebDAV  
24 request method and therefore be a request method object as stated in the claim.”  
25

1 However, this assertion does not address *whether or not a “request method*  
2 *object” is created* for the WebDAV request method.

3 In contrast, claim 20 recites in pertinent part, “creating a request method  
4 object for the WebDAV request method”. An example of this feature is illustrated  
5 in Fig. 8, block 402 of the present patent application. Applicants respectfully  
6 assert that Bayeh as modified by this rejection fails to teach or suggest “creating a  
7 request method object for the WebDAV request method” as recited in claim 20.  
8 Accordingly, for this addition reason, the rejection fails to set forth a *prima facie*  
9 case of obviousness for claim 20 and dependent claim 30.

10

11 Rejections of Claims 21-22

12 Claims 21 and 22 stand rejected under 35 U.S.C. §103(a) as being  
13 unpatentable over Bayeh in view of Goland and further in view of Heinemann.  
14 Applicants respectfully traverse.

15 Applicants respectfully submit that these outstanding rejections under  
16 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because  
17 combining the cited references as proposed by the Office Action would render  
18 Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and  
19 presentation logic in a server) an/or changes Bayeh’s principle of operation (i.e.,  
20 different formats for retrieval and presentation by a server), as described above for  
21 both claim 37 and claim 20. In addition, as claims 21-22 depend from claim 20,  
22 Applicants respectfully assert that the proposed combination fails to teach or  
23 suggest all the claim limitations of claims 21 and 22, as described above for  
24 claim 20.

25

1        Further, regarding claim 22, the Office Action asserts “Bayeh does not  
2 build an entire hierarchical tree structure”, without citing where Bayeh discloses  
3 such a feature. The Office Action acknowledges that’s Bayeh makes no mention  
4 of building a hierarchical tree on page 7, line 14 of the Office Action. Applicants  
5 respectfully assert that the absence of disclosing a hierarchical tree structure in no  
6 way teaches or suggests “sending of the response portion comprises doing so  
7 without building an entire hierarchical tree structure...” as recited in claim 22.

8        Further, in order to avoid having this feature being construed as admitted  
9 prior art according to MPEP 2144.03(C), Applicants traverse what appears to be a  
10 factual assertion that the absence of mentioning a hierarchical tree means that  
11 Bayeh teaches that a tree would not have to built. As stated in the present  
12 application (see e.g., page 3, lines 22-23), “it has been typical in the past to build  
13 the entire tree structure, such as the one shown in Fig. 1, before building an XML  
14 document itself.” Thus, Applicants respectfully assert that the absence of  
15 mentioning a hierarchical tree is more likely to mean that Bayeh discloses that an  
16 entire tree would have to be built.

17  
18 Rejections of Claims 23, 25 and 44-47

19        Claims 23, 25 and 44-47 stand rejected under 35 U.S.C. §103(a) as being  
20 unpatentable over Bayeh in view of Goland and further in view of the W3C  
21 reference. Applicants respectfully traverse.

22        Applicants respectfully submit that these outstanding rejections under  
23 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because  
24 combining the cited references as proposed by the Office Action would render  
25 Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and

1 presentation logic in a server) an/or changes Bayeh's principle of operation (i.e.,  
2 different formats for retrieval and presentation by a server), as described above for  
3 claim 20. In addition, as claims 23 and 25 depend from claim 20, Applicants  
4 respectfully assert that the proposed combination fails to teach or suggest all the  
5 claim limitations of claims 23 and 25, as described above for claim 20.

6 Regarding claim 44, Applicants respectfully submit that these outstanding  
7 rejections under 35 U.S.C. §103(a) also fail to establish a *prima facie* case of  
8 obviousness because combining the cited references as proposed by the Office  
9 Action fails to teach or suggest all the claim limitations.

10 For example, the Office Action asserts, "Bayeh teaches using an object that  
11 is inherently associated with the request, and inherently instantiated, build the  
12 XML response", citing col. 10, lines 46-58 of Bayeh. Thus, it appears the "object"  
13 referred to in this rejection corresponds the data servlet of Bayeh. However,  
14 assuming *arguendo* that this assertion is correct, there is still no teaching or  
15 suggestion of "software code that is configured to receive a request from a client  
16 for an XML document and *instantiate an object that corresponds to an HTTP verb*  
17 contained in the request", as recited in claim 44. The cited text has no mention of  
18 the data servlet instantiating another object that corresponds to an HTTP verb  
19 contained in a client request for an XML document.

20 Therefore, Applicants respectfully assert that Bayeh as modified by this  
21 rejection fails to teach or suggest "software code that is configured to receive a  
22 request from a client for an XML document and instantiate an object that  
23 corresponds to an HTTP verb contained in the request", as recited in claim 44.  
24 Accordingly, for this addition reason, the rejection fails to set forth a *prima facie*  
25 case of obviousness for claim 44 and dependent claims 45-47.

1

2 Rejections of Claims 24, 26 and 41-43

3 Claims 24, 26 and 41-43 stand rejected under 35 U.S.C. §103(a) as being  
4 unpatentable over Bayeh in view of Goland and the W3C reference, and further in  
5 view of Heinemann. Applicants respectfully traverse.

6 Applicants respectfully submit that these outstanding rejections under  
7 35 U.S.C. §103(a) fail to establish a *prima facie* case of obviousness because  
8 combining the cited references as proposed by the Office Action would render  
9 Bayeh unsatisfactory for its intended purpose (i.e., isolation of retrieval and  
10 presentation logic in a server) an/or changes Bayeh's principle of operation (i.e.,  
11 different formats for retrieval and presentation by a server), as described above for  
12 claims 37, and 20. In addition, as claims 24 and 26 depend from claim 20,  
13 Applicants respectfully assert that the proposed combination fails to teach or  
14 suggest all the claim limitations of claims 23 and 25, as described above for  
15 claim 20.

16 Regarding claim 41, the Office Action asserts that Bayeh teaches that data  
17 "is formatted with the same object that gathered the data" and that it "would have  
18 been obvious to ... call another object to format the data..." Applicants  
19 respectfully disagree. As stated above, Bayeh discloses that "[d]ata retrieval logic  
20 is isolated to a data servlet, and presentation formatting is isolated to a rendering  
21 servlet." Applicants respectfully assert that if, *arguendo*, servlets are objects, then  
22 Bayeh already teaches "... another object to format the data...", but this other  
23 object formats data received from the XML data stream into an HTML data  
24 stream. Thus, there is no teaching or motivation in the cited references to modify  
25 Bayeh to add a second formatting object as proposed in the Office Action.

1        Further, the Office Action does not address the format of the data in which  
2 this proposed second formatting object would receive the data from the proposed  
3 gathering object. Considering the disclosure in Bayeh of how servlets  
4 communicate with each other, if the format is not XML or HTML, then this  
5 proposed second formatting object serves to add a third formatting operation that  
6 appears to unnecessarily increase processing burden and complexity. If it is XML  
7 or HTML, then it is difficult to understand the motivation to modify Bayeh to add  
8 a duplicate formatting process. Accordingly, for this additional reason the  
9 rejection fails to set forth a *prima facie* case of obviousness for claim 41 and  
10 dependent claims 42-43.

11

12 New Claims 48-51

13        New claims 48-51 are fully supported by at least page 8, lines 11-13 of the  
14 specification of the present application as originally filed. Accordingly, no new  
15 matter is added.

16        New claims 48-51 are all dependent claims and, therefore, are patentable  
17 over the cited references for at least the same reasons that their parent claims are  
18 patentable over the cited references. In addition, claims 48-51 have another basis  
19 for being patentable over the cited references, as described below.

20        The Office Action on page 4 acknowledges that neither Bayeh nor  
21 Heinemann disclose dealing with XML in portions and asserts that the X3C  
22 reference discloses a method of dividing XML in to fragments (portions).  
23 Assuming *arguendo* that this assertion is correct, the X3C reference in no way  
24 teaches or suggests “preparing only a portion of an XML document without first  
25 entirely building the XML document” as recited in new claim 48.

1 For example, on page 3 in the section denoted “1. Overview” the X3C  
2 reference discloses, “...the holder of the complete source document (emphasis  
3 added) considers a fragment of that document and, using the notation to be defined  
4 by this activity, *constructs a fragment context specification*”(emphasis original).

5 The X3C reference (on page 17 another example denoted “B.1”) discloses,  
6 “[t]he user has an XML document that represents a customer’s set of purchases as  
7 a bookstore, and the part of that document that represents the purchase of a  
8 particular book needs to be represented as a fragment” (emphasis added).  
9 Similarly, the X3C reference discloses in example “B.2” on page 18 “[a] user has  
10 an XML document that includes several external entities, and she wants to be able  
11 to interchange a fragment that include a reference to the entities ...” (emphasis  
12 added). Likewise in example “B.3” on page 21, the X3C reference discloses  
13 “[t]he user has very large XML documents ... and wishes to be able to view  
14 portions of the document without parsing the whole document” (emphasis added).

15 Based on the above-cited disclosures in the X3C reference, Applicants  
16 respectfully assert that the X3C reference discloses that fragments are made from  
17 complete XML documents. There is no teaching or suggestion in the X3C  
18 reference of how to prepare only a portion of an XML document without first  
19 entirely building the XML document. Consequently, the X3C reference fails to  
20 teach or suggest “preparing only a portion of an XML document without first  
21 entirely building the XML document” as recited in claim 48. Accordingly,  
22 claim 48 is patentable over the cited references.

23 New claims 49-51 contain similar recitations as described above for  
24 claim 48. Therefore, claims 49-51 are patentable over the cited references for at  
25 least the same reasons that claim 48 is patentable over the cited references.

1

2 New Claims 52-53

3 New claims 52-53 are fully supported by at least page 19, lines 10-16 of the  
4 present application as originally filed. Therefore, no new matter is added. New  
5 claims 52-53 are all dependent claims and, therefore, are patentable over the cited  
6 references for at least the same reasons that their parent claims are patentable over  
7 the cited references. In addition, claims 52-53 have another basis for being  
8 patentable over the cited references, as described below.

9 Applicants believe that none of the cited references teach or suggest  
10 “creating a request method object for the WebDAV request method responsive to  
11 the determination of the WebDAV request method”, or instantiating a request  
12 method object that corresponds to the HTTP verb responsive to the determination  
13 of the HTTP verb” as recited in claims 52 and 53, respectively. For example,  
14 Bayeh appears to disclose in Fig. 4 that the data and rendering servlets are created  
15 or instantiated in the server *prior* to receiving a request from a client.  
16 Accordingly, because the cited references do not teach or suggest all of the  
17 elements of claims 52 and 53, Applicants respectfully assert that these claims are  
18 patentable over the cited references on this additional basis.

19

20 Conclusion

21 In view of the foregoing, Applicants believe all pending claims are in  
22 condition for allowance. Accordingly, Applicants respectfully request that a  
23 Notice of Allowability be issued. If the Office’s next anticipated action is to be  
24 anything other than issuance of a Notice of Allowability, Applicants respectfully

1 request that the Examiner contact the undersigned (telephone number provided  
2 below) to schedule an interview.

3 Respectfully Submitted,

4  
5 Dated: May 26, 2004

6 By:

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